

These are the minutes of the Special Session of the City of Adams, WI held on March 28, 2012 in the City Municipal Building.

Meeting was called to order by Mayor Baumgartner. On roll call were Alderpersons Jensen, Kierstyn, Manthey, Marti, Scott, Suhr, Administrator Ellisor, Attorney Pollex, and Chief Hanson.

Petitions and Communications: None

**New and Unfinished Business:**

**Motion by Marti, second by Kierstyn to remove the issuance of Fermented Malt Beverage and Intoxicating Liquor License – agent transfer for A-F VFW Post 6279 from the table. All voted aye.**

Attorney Pollex explained that procedurally we had to remove it from the table because the motion that was made and second at the previous meeting was a timeout on the discussion. There was just a motion and a second to end the timeout so we are still in discussion now. So if anyone has a question or input. Marti stated that he has the utmost respect for the VFW. If the Post has inner problems it is not the City's responsibility to take care of that. We did the Post a favor by approving the sixty (60) day period. It needs to be addressed that if anything arises within the next year, the outcome is going to be very different. From the business aspect, it's a bar to him it's not the VFW Post, it's the VFW tavern.

Attorney Wood addressed the Council on behalf of the VFW. He stated that the VFW is not looking for the City Council fixing the problems they may have had in the past. The issue here is there was a change of agent request filed in early January. The City properly acted on that (he read the motion made in the minutes of the January 9, 2012 Council Meeting) "*Motion by Marti, second by Jensen to approve the Agent Transfer for the issuance of the Fermented Malt Beverage and Intoxicating Liquor License to Larry Warren for A-F VFW Post 6279, contingent upon successful completion of the Responsible Beverage Servers Training Course. Roll call vote, all voted aye.*" The agent asking to be named and approved by the City was Larry Warren. Attorney Wood stated that there is disagreement with the City, the State (DOR) and he. The City and State are on the same page, but he is on the other page in regard to whether Mr. Warren would have needed to have the responsible beverage servers training course in order to get the agent. He reviewed the Statutes he feels that he did not. The City and the States position is that he did. In any event, the brief of the confusion here is that there were two different issues addressed. One was the agent transfer and one was the operator's license. The City issued a provisional operators license, which the Statutes provide for. That expired in early March shortly before Larry was able to complete his training. So, to the extent that he did not complete the training, the provisional license would then become void. He stated he would stipulate to that.

Attorney Wood stated the issue he addressed to the City is with regards to the agent status as noted from the minutes. The City approved the transfer of agent contingent upon successful completion of the training course, there was no time limit put on that, there was no sixty day time limit put on that. As he noted to the Police Chief when they spoke, there is no provision in the Statutes for a Provisional Agent Transfer. So, we don't want this to become adversarial, we believe the Police Chief has done a background check and he complies there are no issues in regards to criminal history so we believe he is fully qualified to be an agent at this point. He satisfied the one contingency that the City Council put on it again there was no time frame for that contingency and we ask that the motion be approved. If there is another issue in the future, he thinks all sides now are aware of the proper protocol for agent change. **Motion by Suhr, second by Jensen to Authorize Issuance of Fermented Malt Beverage and Intoxicating Liquor, agent transfer for A-F VFW Post 6279. Roll Call Vote; Marti, Jensen, Kierstyn,**

THE MINUTES ARE DRAFT AND SUBJECT TO COUNCIL APPROVAL

**Scott and Suhr – yes. Manthey – abstained** (*Manthey explained it is due to a personal issue that came up with the Commander over the weekend.*)

**Motion by Scott, second by Marti to adjourn. All voted aye.**  
*Meeting adjourned at 6:18 P.M.*

Respectfully Submitted,

Janet L. Winters, CMC, WCMC  
Clerk/Treasurer